

REMARKS

The present Amendment responds to the Advisory Action dated September 16, 2008. A Notice of Appeal was previously filed in this case on August 4, 2008. Accordingly, this Amendment and RCE are timely if filed by December 4, 2008 and accompanied by a two (2) month extension of time concurrently filed herewith.

In the Advisory Action, the Examiner has taken the position that Moreno clearly teaches taking the composition of Moreno in a bag and dissolving it in water to make a solution. The current claims are directed to aqueous concentrates which exhibit low foaming. The concentrates of Moreno are solid formulations and thus foaming would not be an issue in handling the Moreno concentrates. While the concentrates of Moreno can eventually be diluted in water for application, dilution in a spray tank would not be considered an aqueous concentrate and at typical use levels the aqueous composition of Moreno, i.e. the solid glyphosate compositions dissolved in a spray tank, would contain glyphosate at a significantly lower level than the instantly claimed concentrates.

Based upon the foregoing then, Applicants submit that the pending claims are in condition for allowance and the Examiner is courteously solicited to pass this application on to allowance. No other fees are believed to be payable at this time. However, the Commissioner is authorized to debit any applicable fees from the deposit account of the undersigned, no. 50-1676 in the name of Syngenta Crop Protection, Inc.

Respectfully submitted,

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